

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA VIDAL, )  
 ANTONIO ALARCÓN, ELIANA FERNANDEZ, )  
 CARLOS VARGAS, CAROLINA FUNG FENG, )  
 M.B.F., by her next friend LUCIA FELIZ, )  
 XIMENA ZAMORA, SONIA MOLINA )  
 and JOHANA LARIOS SAINZ, )

Case No. 1:16-cv-04756 (NGG)(JO)

September 21, 2020

On behalf of themselves and all other  
similarly situated individuals,

and MAKE THE ROAD NEW YORK,

On behalf of itself, its members, and its clients,

*Plaintiffs,*

V.

CHAD WOLF, in his official capacity as the  
purported Acting Secretary of Homeland Security,  
et al.,

*Defendants.*

**PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY  
IN SUPPORT OF PARTIAL SUMMARY JUDGMENT AND OPPOSITION TO  
DEFENDANTS' CROSS-MOTION AND TO FILE REPLY IN EXCESS OF 25 PAGES**

In light of new agency action taken by Defendants on Friday, September 18, 2020, *Batalla Vidal* Plaintiffs (“Plaintiffs”) hereby respectfully request an extension of three business days to the current briefing schedule. Specifically, Plaintiffs request that the Court grant Plaintiffs an extension to file a Reply In Support Of Partial Summary Judgment and Opposition to Defendants’ Cross-Motion for Partial Summary Judgment that would modify the current deadline from Friday,

September 25, 2020 to Wednesday, September 30, 2020. In addition, Plaintiffs request leave to file their Reply in excess of 25 pages. The length of the proposed filing will not exceed thirty-five (35) pages, excluding captions, table of authorities, and signatures. The requests are unopposed and made in good faith and not for purposes of delay, as set forth herein:

1. On Friday September 18, 2020, Defendants notified the Court and Plaintiffs that on September 17, 2020, “out of an abundance of caution,” Defendant Wolf “ratified each of his delegable prior actions as Acting Secretary.” ECF No. 327, citing *Ratification of Actions Taken by the Acting Secretary of Homeland Security* (Sept. 17, 2020), ECF No. 327-1. This notice came one week after Defendants had filed their Opposition to Plaintiffs’ Motion for Partial Summary Judgment and Cross-Motion for Partial Summary Judgment, ECF No. 323, and one week before Plaintiffs’ opposition/reply is due. In light of this action, Plaintiffs request additional briefing time and space in order to adequately address the legal issues raised by Defendant Wolf’s ratification.
2. On September 21, 2020, counsel for the State plaintiffs in *New York v. Wolf*, 17-CV-5228, notified undersigned counsel that they do not oppose this motion.
3. On September 21, 2020, law student intern Armando Ghinaglia, on behalf of the Jerome N. Frank Legal Services Organization, contacted counsel for Defendants regarding this request for additional briefing time and space. Government counsel indicated that Defendants do not oppose Plaintiffs’ request for a three business day extension of time, provided that the remaining briefing deadlines are extended accordingly. Nor do Defendants oppose Plaintiffs’ request for additional briefing space.

4. If the Court extends the deadline for Plaintiffs' response by three business days, to be due on September 30, 2020, then Defendants' brief would be due on Wednesday, October 7, 2020. Plaintiffs respectfully propose that oral argument, currently scheduled for October 7, 2020, be scheduled for the week of October 12, 2020. Defendants expressed preference for a date no earlier than October 14th given that October 12th is a federal holiday and Defendants have a potential conflict on October 13th.

Accordingly, Plaintiffs respectfully request that the Court grant an extension of three business days on the present Motion for Partial Summary Judgement filings from both parties, and an enlargement of the page limit for Plaintiffs' opposition/reply, not to exceed 35 pages.

Dated: September 21, 2020

Respectfully submitted,

/s/ Marisol Orihuela

Maria Camila Bustos, Law Student Intern\*  
Armando Ghinaglia, Law Student Intern  
Angie Liao, Law Student Intern\*  
Edgar A. Melgar, Law Student Intern\*  
Medha Swaminathan, Law Student Intern\*  
Ramis Wadood, Law Student Intern  
Muneer I. Ahmad, Esq. (MA 9360)  
Marisol Orihuela, Esq. (*pro hac vice*)  
Michael J. Wishnie, Esq. (MW 1952)  
JEROME N. FRANK LEGAL SERVICES ORG.  
muneer.ahmad@yale.edu  
P.O. Box 209090  
New Haven, CT 06520  
(203) 432-4800

Karen C. Tumlin, Esq. (*pro hac vice*)

Trudy S. Rebert, Esq. (TR 6959)  
NATIONAL IMMIGRATION LAW CENTER  
P.O. Box 721361  
Jackson Heights, NY 11372  
(646) 867-8793

Araceli Martínez-Olguín, Esq. (AM 2927)  
Mayra B. Joachin, Esq. (*pro hac vice*)  
NATIONAL IMMIGRATION LAW CENTER  
3450 Wilshire Blvd. #108-62  
Los Angeles, CA 90010  
(213) 639-3900

Paige Austin, Esq. (PA 9075)  
MAKE THE ROAD NEW YORK  
301 Grove Street

Cooperating Attorney  
JEROME N. FRANK LEGAL SERVICES ORG.  
P.O. Box 209090  
New Haven, CT 06520  
(323) 316-0944

Brooklyn, NY 11237  
(718) 418-7690

*Attorneys for Plaintiffs*

\* Motion for law student appearance  
forthcoming

**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2020, a true and correct copy of the foregoing Plaintiffs' Motion For Extension Of Time To File Reply In Support Of Partial Summary Judgment And Opposition To Defendants' Cross-Motion And To File Reply In Excess Of 25 Pages was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ Marisol Orihuela

Marisol Orihuela, Esq. (*pro hac vice*)

JEROME N. FRANK LEGAL SERVICES ORG.

marisol.orihuela@yale.edu

P.O. Box 209090

New Haven, CT 06520

(203) 432-4800